

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

PROGRESSIVE COUNTY MUTUAL
INSURANCE COMPANY,

Plaintiff,

V.

1:23-CV-1465-RP

ISIDRO JAVIER RODRIGUEZ,
FERMAN TRUCKING, LLC,
TANH TRAN, and THU TAN THAI,

Defendants.

FINAL JUDGMENT

On this date, the Court adopted United States Magistrate Judge Mark Lane’s report and recommendation concerning Plaintiff Progressive County Mutual Insurance Company’s (“Progressive”) motion for default judgement, (Dkts. 20, 24), (R. & R., Dkt. 25). The Court granted Progressive’s motion for default judgment. Accordingly, the Court renders this default judgment pursuant to Federal Rule of Civil Procedure 55.

IT IS ORDERED that judgment is awarded in favor of Progressive.

IT IS FURTHER ORDERED that the Court enters the following declarations:

1. Plaintiff Progressive County Mutual Insurance Company does not owe a duty to defend either Isidro Rodriguez or Ferman Trucking, LLC in the lawsuits styled *Tanh Tran v. Ferman Trucking, LLC and Isidro Javier Rodriguez*, Cause Number D-1-GN-22-002070 in the 261st District Court, Travis County Texas and *Thu Tan Thai v. Ferman Trucking, LLC and Isidro Javier Rodriguez*, Cause Number D-1-GN-23-003267 in the 419th District Court, Travis County Texas.
2. Plaintiff Progressive County Mutual Insurance Company does not owe a duty to indemnify either Isidro Rodriguez or Ferman Trucking, LLC in the lawsuits styled *Tanh Tran v. Ferman Trucking, LLC and Isidro Javier Rodriguez*, Cause Number D-1-GN-22-002070 in the 261st District Court, Travis County Texas and *Thu Tan Thai v. Ferman Trucking, LLC and Isidro Javier Rodriguez*, Cause Number D-1-GN-23-003267 in the 419th District Court, Travis County Texas.

3. Plaintiff Progressive County Mutual Insurance Company does not owe a duty to defend or indemnify either Isidro Rodriguez or Ferman Trucking, LLC for punitive or exemplary damages in the lawsuits styled *Tanh Tran v. Ferman Trucking, LLC and Isidro Javier Rodriguez*, Cause Number D-1-GN-22-002070 in the 261st District Court, Travis County Texas and *Thu Tan Thai v. Ferman Trucking, LLC and Isidro Javier Rodriguez*, Cause Number D-1-GN-23-003267 in the 419th District Court, Travis County.

All other relief requested is **DENIED**. This case is now **CLOSED**.

SIGNED on March 31, 2025.

A handwritten signature in blue ink, appearing to read 'R. Pitman', is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE